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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,880	12/10/2003	David H. Parker	58013-027100	1516
33717	7590	06/24/2005	EXAMINER	
GREENBERG TRAUIG LLP 2450 COLORADO AVENUE, SUITE 400E SANTA MONICA, CA 90404			TSIDULKO, MARK	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/733,880

Applicant(s)

PARKER ET AL.

Examiner

Mark Tsidulko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 3.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1, 6-13 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>041304</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

The drawings are objected to because:

- the reference character “21” which indicates *axle rod* on Fig. 7 should be changed to “20”;
- the protrusion indicated by the reference character “21” (page 5, [0032]) is not shown on the drawings.
- the light sources “28” and “29” located above the housing (Figs. 1-3, 5) are shown located below the housing on Fig. 7 (between the housing and the anchor “10” ), therefore missed the point of assignment of the head “24” and the base plate “25”.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the

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top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

The disclosure is objected to because of the following informalities:

- reference character "21" indicates a *housing* (page 4, lines 17, 19 and 28), a *support* (page 4, line 18) and *rod* (page 4, lines 21, 22, and 23);
- it is unclear what applicant intends by "*On either side of 30 of the head 24...*" (page 4, line 26)? Reference character "30" indicates a *plate* (Fig.7, page 5, line9);
- it is unclear what applicant intends by "*Portion 36 of the housing 21 extends from the plate 35...*" (page 4, line 28 and page 5, line 1)? Reference character "36" indicates a **battery** (Fig.7, page 5, [0033]) and drawings do not disclose reference character "35";
- two different reference characters "11" (page 4, line 3) and "25" (page 4, line 25) are used for indicating the *base plate*. Also, reference character "11" indicates the "*base*" (page 4, line 9) and the "base plate" (page 4, line 2).

Appropriate correction is required.

### ***Claim Objections***

Claims 4, 7, 16 are objected to because of the following informalities:

- Referring to Claim 4 the phrase “*wherein the base*” (line 1) should be changed to “*wherein the base **plate***”;
- Referring to Claim 7 it is unclear what Applicant intends by “...*the light sources being angled relative to the head **to the extend** a field of illumination...*”.
- Referring to Claim 4 it is unclear what Applicant intends by “*a switch for the light source, the switch for the light source*” (line 5).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 5,183,324) in view of Monteleone et al. (US 5,904,414).

Referring to Claim 1 Thomas discloses (Figs.2, 4) a lighting device having an anchor [40], a housing portion [20] including a head for the light source [11] and a switch for the light source being operable by movement of the head for the light source relative to the housing (Abstract).

While Thomas does not disclose that the anchor is secured to the support, it will of course be understood, that any desired part of the device can be secured to the support depending on necessity, what is a matter of the design choice, because does not change the functionality of the device.

Referring to Claim 6 Thomas discloses (Figs.2, 4) a lighting device wherein the head [11] is hingedly movable relative to the housing [20] and the switch is operable to turn the light source on when the head is moved from the housing (Abstract).

Monteleone et al. disclose (Fig.7) a base plate (clip) [98] hingedly connected to the casing and a spring [102] urging the base plate and the anchor towards each other. Using this type of the clip allow easy engagement the device with different structures.

Referring to Claims 9-11 Thomas discloses (Figs.2, 4, 7) the head mounted on the top (surface [29]) of the housing [20] and the head being for clipping engagement into an indent formed on the housing (col. 4, lines 52-57). Head includes a protrusion [46] being for extending an aperture [43] in the housing, and switch [44] is activated when the head is moved between close and open position. The protrusion provides absolutely identical engaging function if located at any place of the head.

Referring to Claim 12 Thomas discloses (Figs.2, 4) the housing [20] and the anchor [[40] are fixedly formed relative to each other.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the clip of Monteleone et al. for the device of Thomas, in order to obtain an engagement with a support structure.

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Claims 7, as best understood, 8, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas and Monteleone et al. as applied to claim 1 above, and further in view of Bauer et al. (US 6,320,641).

Referring to Claims 7, 8, 17 Thomas et al. disclose the instant claimed invention except for two light sources angled relative to the head wherein the field of illumination partly overlaps in the area at the forward end of the housing.

Bauer et al. disclose (Fig.2) two light sources [38] and [40] angled relative to the head [20] wherein the field of illumination partly overlaps in the area at the forward end of the housing.

It would have been an obvious matter of design choice to locate the light sources at any desired place relative to the housing of the device because it does not change the functionality of the device.

Referring to Claim 16 Thomas discloses (Figs.2, 4) a lighting device having an anchor [40], a housing portion [20] including a head for the light source [11] and a switch for the light source being operable by movement of the head for the light source relative to the housing (Abstract).

While Thomas does not disclose that the anchor is secured to the support, it will of course be understood, that any desired part of the device can be secured to the support depending on necessity, what is a matter of the design choice, because does not change the functionality of the device.

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Thomas et al. disclose the instant claimed invention except for two light sources angled relative to the head wherein the field of illumination partly overlaps in the area at the forward end of the housing.

Bauer et al. disclose (Fig.2) two light sources [38] and [40] angled relative to the head [20] wherein the field of illumination partly overlaps in the area at the forward end of the housing.

Referring to Claims 18, 19 Thomas discloses (Figs.2, 4, 7) the head mounted on the top (surface [29]) of the housing [20] and the head being for clipping engagement into an indent formed on the housing (col. 4, lines 52-57). Head includes a protrusion [46] being for extending an aperture [43] in the housing, and switch [44] is activated when the head is moved between close and open position. The protrusion provides absolutely identical engaging function if located at any place of the head.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the two light sources angled relative to the head, as taught by Bauer et al. for the device of Thomas et al. in order to increase the illumination.

Claims 13, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas and Monteleone et al. as applied to claim 12 above, and further in view of Lowry et al. (US 5,752,293).

Thomas et al. disclose the instant claimed invention except for the hinge with a friction element.



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Lowry et al. disclose a hinge having a friction element which controls the angular position of the member (col.1, lines 13-15).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the hinge having a friction element, as taught by Lowry et al., for the device of Thomas et al., in order to control the angular position of the head.

***Allowable Subject Matter***

Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 2 the prior art of record fails to show a portable light wherein the anchor is cooperated with a base plate.

Claim 3 is objected as claim depended on claim 2.

Referring to Claim 4 the prior art of record fails to show a portable light wherein the anchor and the base plate are hingedly connected.

Claim 5 is objected as claim depended on claim 4.

Claims 14, 15 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 14 the prior art of record fails to show a portable light having the base plate and the anchor effectively forming a clip for securing the light to a support.

Claim 15 is objected as claim depended on claim 14.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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M.T.

June 14, 2005

A handwritten signature in black ink, appearing to read 'JAW', is positioned above the printed name.

**JOHN ANTHONY WARD  
PRIMARY EXAMINER**